

# EXPEL THE FIVE SOCIALIST ASSEMBLYMEN, URGES MAJORITY REPORT, CHARGING TREASON; ROOSEVELT TO OPPOSE OUSTER MOTION

## SOCIALIST PARTY FLAYED

Majority Urges That  
Members Be Barred  
from Polls.

## EXPULSION MAJORITY ONLY 1

Five of the Assembly Judiciary  
Committee Are for  
Reseating.

## ASSEMBLY DEBATE TODAY

Majority in Favor of Expulsion  
Is Conceded — Special  
Election in Doubt.

*Special to The New York Times.*

ALBANY, March 30.—Expulsion of the five Socialist Assemblymen, August Claessens and Louis Waldman of New York, Charles Solomon of Kings and Samuel A. Dewitt and Samuel Orr of the Bronx was recommended in the majority report made today to the Assembly by its Judiciary Committee. The recommendation was made on the ground that the Socialist Assemblymen were disloyal to the Government of the United States and the State of New York, affiliated with the Socialist Party of America, "a disloyal organization, composed exclusively of perpetual traitors" and intent upon the overthrow of the Government by force and violence.

The majority report also recommended the enactment of laws denying to the Socialists the right of longer occupying the position of a political party in this State.

The signatures of seven of the thirteen members of the Judiciary Committee were affixed to the majority report, five other members, filing four separate reports, recommended the seating of the Socialists on the ground that the Assembly lacked legal authority to disqualify them on the charges that had been presented.

One of the minority reports, submitted by Assemblyman William S. Evans, a Bronx Democrat, maintained that under the State Constitution loyalty to the Government was not a necessary qualification for membership of the Legislature. Another, signed by Assemblyman James M. Lown of Yates, a Republican, recommended that Assemblymen Orr and Dewitt of the Bronx be seated and that the other three be expelled.

The majority report made little mention of the individual charges, but emphasized the disloyalty charge, which even counsel representing the Socialists admitted would furnish ground for expulsion and condemned them all on the ground of their affiliation with the party of their choice.

Assemblyman Louis M. Martin of Onondaga, Chairman of the Judiciary Committee, handed in the report and the minority memoranda. He moved the report be made a special order for consideration tomorrow morning. His motion prevailed, despite the opposition of Assemblyman William C. Amos of New York, a Republican, and Assemblyman Evans.

### Amos Vainly Pleads for Delay.

Mr. Amos argued that the members of the Assembly would not have sufficient time adequately to study the majority and minority reports and "patriotically vote on them." He pointed out that there were close to 200 pages in the various recommendations handed to the Assembly by the Judiciary Committee and that at least two or three days should be given to their examination.

Speaker Sweet ruled the motion was not properly debated and that, "inasmuch as some members of the House are violating the courtesy extended them," the motion was before the Assembly for disposition. It was almost unanimously carried.

At the morning session Assemblyman Solomon endeavored to get the floor. The privilege was denied by Harry Haines, Sergeant at Arms. Mr. Solomon then made formal application to go within the railing, but Speaker Sweet formally ruled him off the floor.

The report, on Mr. Martin's motion, will come up for debate in the Assembly tomorrow morning, when, it is expected, the members will be called on to vote on the recommendation that the five Socialists be expelled, unless the discussion should extend to Thursday.

If it does, and the Assembly should vote to expel the Socialists, Governor Smith will not be able to call a special election to fill their places for this session, for the election law provides that the Governor may call a special election to fill a vacancy in the Legislature before April 1, and not after that date, unless to fill a seat for an extra session. Even if the vote should be in tomorrow, and it called for expulsion of the Socialists, it would do the Governor no good to call a special election to fill their places, because the Legislature will undoubtedly adjourn by April 24 at the

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latest, and it would require thirty days' notice to hold the election.

THE MAJORITY REPORT.

Disloyalty of Assemblymen and Party Chief Grounds for Verdict.

Special to The New York Times.

ALBANY, March 30.—There follows the chief points of the majority report of the Assembly Judiciary Committee recommending the expulsion of the five Socialist Assemblymen and the exclusion of the Socialist Party from the ballot:

"We find that each and every charge made against the five Socialist Assemblymen in the resolution adopted by the Assembly at the opening of the session, and thereby accepted as the basis for the inquiry into the qualifications of these five men to seats in the Assembly, has been established.

"We further find that every charge material to the inquiry into the qualifications of these five men contained in the statement made by the Chairman of the Judiciary Committee of the committee's 'understanding of the matters that are to be brought up for the consideration of the committee' has likewise been established, and we therefore report for determination as follows:

"That Louis Waldman, August Claessens, Charles Solomon, Samuel A. DeWitt and Samuel Orr, for the afore-said reasons, are, and each of them is, not obedient to the Constitution and laws of the United States and the State of New York, nor desirous of the welfare of the country, nor in hearty accord and sympathy with its Government and institutions, and for said reasons, and also because of all the other facts and reasons above set forth, they are, and each of them is, disqualified to occupy seats in the Assembly of the State of New York as members thereof.

"That because of such disqualification they were and each of them was incapable of taking the oath of office prescribed by the Constitution of the State according to the real intent and purpose of constitutional provisions requiring the taking of such oath.

"That by formally subscribing to said oath their position, in view of their disqualification, is no different than it would have been had they refused to take the said oath.

"That they therefore are not entitled to have or to hold seats in the Assembly and that the seats to which they are elected be declared vacant.

"We recommend that appropriate legislation be enacted to the end that hereafter no party, group or political organization in which aliens are acceptable as members, or whose principles, policies and program are responsive to, or determined by an organization, national or State, composed of persons not members of the electorate of the nation or State, shall be privileged to occupy the position of a political party on the official ballot of this State.

With the recommendations were submitted a series of resolutions declaring that each of the Socialists had forfeited his right to have or hold a seat in the Assembly of the State of New York, and a provision that the five seats be declared vacant.

The majority report was signed by the following members: Louis M. Martin of Oneida, Chairman; George H. Rowe of Erie, Edward J. Wilson of Westchester, Edward A. Everett of St. Lawrence, Edmund B. Jenks of Broome and Charles M. Harrington of Hamilton, Republicans, and Louis A. Cuvillier of New York, Democrat.

Those joining in the recommendation to seat were:

Assemblymen Harold Lee Blodgett of Schoharie, William W. Pellett of New York and Theodore Stitt of Kings, Republicans, and Maurice Bloch of New York and William S. Evans of the Bronx, Democrats. Assemblymen Pellett and Stitt filed a joint statement, and Assemblymen Blodgett, Bloch and Evans' individual statements, giving their reasons for urging that the Socialists be permitted to retain their seats.

Right to Expel Upheld.

The report opened with a recital of the charges on which the investigation was based. There followed an elaborate defense of the right of the Assembly to exclude the five members, in the course of which many Congressional precedents were cited. Reference was made to the inhibition embodied in the Constitution of the State against setting up any declaration and test in addition to those demanded by the Constitution, among which loyalty is not explicitly named, and to that in the Constitution of the United States prescribing any "religious test" as qualification for holding any office of public trust under the Government of the United States. The report then continued:

"The important consideration is that the test required by each Constitution, National and State, is the same, viz., support of the Constitution of the United States, to which we have added support of the Constitution of this State.

The right of the Assembly to exclude and expel members is fundamental,

inherent and exclusive, and would undoubtedly exist even in the absence of constitutional or statutory provisions, such provisions being generally regarded as merely declaratory of the power.

The provision in the Constitution of this State that no oath, declaration or test shall be required of any person, or any office of public trust other than the oath to support the Constitution of the United States and the Constitution of the State of New York (Art. XIII, Sec. 1) does not deprive the Assembly of the constitutional power given by the same article and section to exclude disloyal persons from membership in this body.

The plain purpose of the constitutional provision under consideration is to prohibit the requiring or imposing of arbitrary qualifications not in any way connected with eligibility or fitness for an office of public trust under this State. It was never intended as a declaration that the disloyal and unfit, if elected to the Legislature, must be accepted as members, nor to guarantee an indefensible title during the term of office to a seat in such body to a member whose disloyalty or unfitness renders his membership therein a menace to those institutions which the members of the Legislature are sworn to support and defend.

The Constitution cannot be distorted into a means of intrenching in our legislative halls the foes of our Government, nor treated as a bomb-proof shelter from which the enemies of our country can launch their attacks.

Oath to Party Condemned.

"The rule adopted by us has a two-fold application in this case:

"First—It applies to the group or party of men with which these Assemblymen are united by the solemn obligation of a pledge. If this group or party advocates and is committed to principles and a policy that violate in essential particulars the rule above stated, membership therein, inasmuch as it involves acceptance of and adherence to such principles and participation in such program, necessarily disqualifies from membership in this legislative body any individual member of that group laboring by virtue of such membership, under a like disability.

"Second—The disqualification of any individual for reasons personal to himself of course disqualifies and renders him ineligible for a seat in the House, quite apart from the consequences of membership in the party."

The fact that the five Socialists were members of the Socialist Party and had been since this country entered the European war is then recited, and the language of the pledge they signed on becoming members of the party quoted. This pledge, as set forth in the report, embodied a clause in which they swore that "in all my political actions while a member of the Socialist Party, I agree to be guided by the constitution and platform of that party."

Article VIII. of the party constitution is then spread in the report. This requires Socialists selected as candidates for public office by the dues-paying members of the party to place in the hands of the appropriate party committee a blank resignation to become effective whenever a majority of the local organization shall so vote.

The members of the Socialist Party elected to office, the report goes on to say, "thus are no more than mere proxies for the dues-paying members of their local organizations, who are said to comprise a very small percentage of those voters who affiliate with the Socialist Party."

Socialist Platforms Quoted.

The adoption by the National Committee of the Socialist Party at a meeting held in May, 1915, not long after the sinking of the Lusitania by a German submarine, of a resolution prohibiting members of the Socialist Party elected to office from voting for the appropriation of money for naval and military purposes under pain of expulsion is cited by the report, which says:

"It is a historical fact that the sinking of the Lusitania by a German submarine brought sharply to the attention of the American people the necessity of preparing for the protection of our national integrity and honor. It is not surprising, therefore, that the Socialist Party's opposition to and obstruction of the Government of the United States in all measures relating to national and State defense became conspicuous at this time.

At this meeting, the report says, a manifesto to party members throughout the country which had been framed by Morris Hillquit and was adopted, called upon workers to refrain from aiding in the production of munitions of war. In April, 1916, when the situation became even more critical, the National Secretary of the Socialist Party met with all the translator Secretaries and caused the promulgation in various languages of another manifesto calling on Socialists to do all in their power to prevent this country from entering the war.

"Therefore the Socialist Party stands opposed to military preparedness, to any appropriations of men or money for war or militarism while, control of such forces through the political State rests in the hands of the capitalist class. The Socialist Party stands committed to the class war, and urges upon the workers in the mines and forests, on the railroads and ships in factories and field, the use of their economic and industrial power by refusing to mine the coal, to transport soldiers, to furnish food or other supplies for military purposes, and thus keep out of the hands of the ruling class the control of our industrial and economic power, necessary for aggression abroad and industrial despotism at home."

"On April 8, 1917, the day following the declaration of war, the Socialist Party met in national convention in St.

Louis and adopted the following as part of its war program:

"The Socialist Party of the United States in the present war crisis solemnly reaffirms its allegiance to the principles of internationalism and working class solidarity the world over and proclaims its opposition unalterable to the war just declared by the Government of the United States.

Many quotations from subsequent Socialist platforms and manifestos are quoted to show the advocacy of "continuous public opposition to the war" through demonstrations, mass petitions "and all other means within our power," as well as "unyielding opposition to all proposed legislation for military or industrial conscription." The report also contended that where the Socialist Party since 1912 had been under its constitution against the practice of sabotage, Article II, Section 6 of the party constitution containing this provision was repealed in April, 1917, immediately following our entry into the war.

In view of the context," says the report, "consisting of the war program with its pledge to use all means within the power of the members, with its demand for an even more vigorous prosecution of the class struggle, with its declaration that the only struggle which would justify the workers in taking up arms was not the national struggle but the class struggle—taking all these things into account, the removal of restraint on the use of sabotage becomes significant with sinister meaning.

"Evidence before us would further indicate that the party was also engaged in a systematic effort during the war to foster claims of conscientious objection. Exemption blanks, so called, were prepared, the bill for printing which was sent to the Socialist Party of America at its national headquarters, and it is significant that at least one of these five Assemblymen claimed exemption from service in a military capacity on the ground that he was a conscientious objector.

Opposition to State Military Measures.

The report reviews the legislative records of the Socialist Assemblymen, all of whom, with the exception of De Witt, have served in the Assembly in other years. The committee finds a large percentage of the bills they introduced and the general trend of their votes were in opposition to military appropriations. Had they had their way, the report asserts, the State would have been left powerless while at war to resist insurrection at home. The Socialists sought to defeat a bill creating a Home Guard to take the place of the National Guard, mustered in the Federal service. Their opposition to military and naval appropriations, the report points out, was in direct conflict with Sections 1 and 3 of Article XI. of the State Constitution, which provides that, even in times of peace, the State must maintain a militia of at least 10,000 men, fully armed and equipped for service.

"The promise of the Socialists not to vote for any military or naval appropriations or for war is as much in conflict with the Federal Constitution as with the State Constitution, disqualifies them from taking the official oath to support the Federal Constitution and renders the oath as taken void," declares the majority finding.

"The promise to oppose all military and naval appropriations and appropriations for war is a part of the plan of the Socialist Party to destroy the existing form of government and substitute the government of the proletariat, as fully appears by their propaganda. It involves a species of State suicide and, carried to its legitimate conclusion, would involve the destruction of both the Federal Government and the governments of the States.

Called Disloyal and Traitors.

"There is but one inference from the position of the Socialists in relation to military and naval appropriations and for war. They would render the country and Government helpless against all enemies so that it may be helpless against them, the enemies of established order. And for the opportunity which the helplessness of Government thus brought about would give them they are willing to expose the State to the assaults of all other enemies.

"The Socialist Party of America, controlled and dominated as aforesaid, is therefore an organization or group of men combined together for the purpose of hindering and obstructing the Government of the United States, and the dues-paying members of this group, including these five Assemblymen, by their membership, activities and contributions of funds to aid in the common cause of prosecuting the purposes of the party, and promulgating the various manifestoes, publications, letters and documents against the Government of the United States, were and are disloyal to this Government, and these Assemblymen, for the aforesaid reasons, were disqualified from taking the Constitutional oath of office on Jan. 7, 1920.

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